

ASSEMBLY BILL

No. 1507

**Introduced by Assembly Member Pavley
(Coauthor: Assembly Member Vargas)**

February 22, 2005

An act to add Section 104113 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as introduced, Pavley. Cardiac health: automatic external defibrillators: health studios.

Existing law establishes the State Department of health Services and sets forth its powers and duties, including, but not limited to, conducting a program for the control of cardiovascular disease.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the State Emergency Medical Services Authority to oversee the local implementation of the emergency medical services system. The EMS act permits each county to establish an EMS program and designate a local EMS service agency (EMS agency). Existing law authorizes the authority to establish minimum standards for the training and use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements which are scheduled to change commencing January 1, 2008. Existing law, until January 1, 2008, provides immunity from civil damages for those persons or entities.

This bill would require every health studio to have an automatic external defibrillator, would provide immunity for providing the devices, and would, notwithstanding existing law, establish standards

for providing the devices, including, but not limited to, maintenance and staff training regarding proper use.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 104113 is added to the Health and
2 Safety Code, to read:

3 104113. (a) Commencing July 1, 2007, every health studio,
4 as described in Section 1812.81 of the Civil Code, shall acquire,
5 and maintain, and train personnel in the use of, an automatic
6 external defibrillator.

7 (b) An employee of a health studio who renders emergency
8 care or treatment is not liable for civil damages resulting from the
9 use or nonuse of an automatic external defibrillator, except as
10 provided in subdivision (f).

11 (c) When an employee uses, or attempts to use, an automatic
12 external defibrillator consistent with the requirements of this
13 section to render emergency care or treatment, the members of
14 the board of directors of the facility shall not be liable for civil
15 damages resulting from any act or omission in rendering the
16 emergency care or treatment, including the use or nonuse of an
17 automatic external defibrillator, except as provided in
18 subdivision (f).

19 (d) Except as provided in subdivision (f), when an employee
20 of a health studio renders emergency care or treatment using an
21 automatic external defibrillator, the owners, managers,
22 employees, or otherwise responsible authorities of the facility
23 shall not be liable for civil damages resulting from any act or
24 omission in the course of rendering that emergency care or
25 treatment, provided that the facility fully complies with
26 subdivision (e).

27 (e) Notwithstanding Section 1797.196, in order to ensure
28 public safety, a health studio shall do all of the following:

29 (1) Comply with all regulations governing the placement of an
30 automatic external defibrillator.

31 (2) Ensure all of the following:

32 (A) The automatic external defibrillator is maintained and
33 regularly tested according to the operation and maintenance

1 guidelines set forth by the manufacturer, the American Heart
2 Association, and the American Red Cross, and according to any
3 applicable rules and regulations set forth by the governmental
4 authority under the federal Food and Drug Administration and
5 any other applicable state and federal authority.

6 (B) The automatic external defibrillator is checked for
7 readiness after each use and at least once every 30 days if the
8 automatic external defibrillator has not been used in the
9 preceding 30 days. Records of these checks shall be maintained.

10 (C) Any person who renders emergency care or treatment on a
11 person in cardiac arrest by using an automatic external
12 defibrillator activates the emergency medical services system as
13 soon as possible, and reports any use of the automatic external
14 defibrillator to the licensed physician and to the local EMS
15 agency.

16 (D) For every automatic external defibrillator unit acquired, up
17 to five units, no less than one employee per automatic external
18 defibrillator unit shall complete a training course in
19 cardiopulmonary resuscitation and automatic external
20 defibrillator use that complies with the regulations adopted by the
21 Emergency Medical Services Authority and the standards of the
22 American Heart Association or the American Red Cross. After
23 the first five automatic external defibrillator units are acquired,
24 for each additional five automatic external defibrillator units
25 acquired, one employee shall be trained beginning with the first
26 additional automatic external defibrillator unit acquired.
27 Acquirers of automatic external defibrillator units shall have
28 trained employees who are available to respond to an emergency
29 that may involve the use of an automatic external defibrillator
30 unit during normal operating hours.

31 (E) There is a written plan that exists that describes the
32 procedures to be followed in the event of an emergency that may
33 involve the use of an automatic external defibrillator, to ensure
34 compliance with the requirements of this section. The written
35 plan shall include, but not be limited to, immediate notification
36 of 911 and trained office personnel at the start of automatic
37 external defibrillator procedures.

38 (f) Subdivisions (b), (c), and (d) do not apply in the case of
39 personal injury or wrongful death that results from gross
40 negligence or willful or wanton misconduct on the part of the

- 1 person who uses an automatic external defibrillator to render
- 2 emergency care or treatment.

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